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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,754	09/30/2003	Thomas E. Reidy	TERE.P112US	4222

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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,754	REIDY, THOMAS E.	
	Examiner	Art Unit	
	Dai A. Phuong	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/30/2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02-02-2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 4-16, 20-27 and 31-33 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1-3, 17-19 and 28-30 respectively. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 17-19 and 28-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Timothy et al. (Pub. No: 2003/0114206).

Regarding claim 1, Timothy et al. disclose a mass delivery communication system for collecting and processing completion data for an item that is to be mass delivered in a predetermined area comprising a plurality of particular regions, each containing a plurality of delivery sites ([0030]); said system comprising:

at least one mobile terminal unit (the portable data acquisition device 1, see fig. 22) operationally disposed with delivery personnel ([0099]. Specifically, Timothy et al. disclose the GPS sensor 310 may assist a **delivery person** in delivering a package to a specified or desired location) and including a transmitter for wireless transmission of delivery data ([0097].

Specifically, Timothy et al. disclose as the appropriate data radio is actuated, the details of the particular task may also be stored by the device 1 in a database therein. Subsequently, either in real time or on a periodic basis, the database entries may be **transmitted to the host system** via one of the data radios, please see fig. 22 and fig. 23); and

a processing center 200 located remote from the mobile terminal unit and including a receiver for reception of the delivery data from the mobile terminal unit (fig. 22, [0071]. Specifically, Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations therebetween or otherwise, to store the package tracking data, and **to forward the package tracking data to a mainframe data repository 200** via one of several communication devices and methods);

wherein the mobile terminal unit is programmed to receive input regarding completion of delivery in one of the particular regions and to transmit delivery data corresponding to the input to the processing center ([0107]. Specifically, Timothy et al. disclose when the package is transported to the destination address, a person accepting the package may be required to sign a signature capture window with the stylus 45, provide a fingerprint which may be read, for example, through a digitizer function implemented in the display 30, or have a picture taken by, for instance, a digital camera implemented in the device 1. At the same time, photographs and/or corresponding signatures of authorized personnel may be shown on the display for the delivery person's comparison. Thus, not only can the signature, fingerprint, and/or picture be verified against the database records, but the signature may also be verified as corresponding to the person in the picture and/or the provided fingerprint. In some instances, the device 1 and/or the

host system may include automated identification systems for matching and verifying the data provided by the person receiving the package to the authorization information contained in the database); and

wherein the processing center is programmed to read, interpret, and display delivery data to appropriate parties ([0107]. Specifically, Timothy et al. disclose the data collected from the person accepting the package may also be transmitted to the host system and **provided upon request.** Also Timothy et al. disclose real-time package tracking information is expeditiously **made available for dissemination on request**. Further, a manifest of the package or packages delivered by the delivery person may, in some instances, be downloaded directly to the consignee's personal computer and/or network via the WPAN data radio 350, or the Infrared Data Association (IRDA) communication port, or provided in a periodic report to the consignee, in section [0104]).

Regarding claim 2, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system comprising: a plurality of mobile terminal units, each unit being operationally disposed with delivery personnel ([0093]) and including a transreceiver for wireless communication of delivery data ([0097]), and each unit being programmed to receive input regarding delivery completion of the item in a portion of the particular region and wherein the processing center is programmed to read, interpret, and display delivery data to appropriate parties ([0095] and [0107]).

Regarding claim 3, Timothy et al. disclose all the limitation in claim 1. Further, Timothy et al. disclose a mass delivery communication system wherein the processing center comprises a

host server 200 located remote from the mobile terminal unit(s) (fig. 22, [0071]. Specifically, Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations therebetween or otherwise, to store the package tracking data, and to **forward the package tracking data to a mainframe data repository 200** via one of several communication devices and methods).

Regarding claim 17, Specifically, Timothy et al. disclose a method of collecting and processing delivery completion data, said method comprising the steps of:

delivering the same item to each of a plurality of delivery sites in a first particular region of a predetermined area comprising a plurality of particular regions ([0104]. Specifically, Timothy et al. disclose when a driver **delivers a package** to a consignee, the driver uses the GPS sensor 310 to obtain the GPS position information of the consignee's actual physical location. The driver uses the scanner 55 of the portable data acquisition device 1 to capture the package tracking data from the package or packages to be delivered and retrieves the corresponding **destination address from the delivery information that was previously downloaded to the portable data acquisition device 1 from the central host system 200** via the WLAN and/or WWAN data radios 340, 330); and

inputting delivery completion in the first particular region into a mobile terminal unit operationally disposed with delivery personnel ([0107] and [0104]. Specifically, Timothy et al. disclose the driver uses the scanner 55 of the portable data acquisition device 1 to capture the package tracking data from the package or packages to be delivered and retrieves the

corresponding **destination address from the delivery information that was previously downloaded to the portable data acquisition device 1 from the central host system 200** via the WLAN and/or WWAN data radios 340, 330, in section [0104]);

transmitting delivery data corresponding to the input to a processing center located remote from the mobile terminal unit; and reading, interpreting, and displaying the delivery data to appropriate parties ([0107]. Timothy et al. disclose the data collected from the person accepting the package may also be transmitted to the host system and **provided upon request**. Also Timothy et al. disclose real-time package tracking information is expeditiously made available for dissemination on request. Further, a manifest of the package or packages delivered by the delivery person may, in some instances, be downloaded directly to the consignee's personal computer and/or network via the WPAN data radio 350, or the Infrared Data Association (IRDA) communication port, or provided in a periodic report to the consignee, in section [0104]).

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 17.

Regarding claim 19, Timothy et al. disclose all the limitation in claim 17. Further, Timothy et al. disclose a method wherein said transmitting step comprises transmission of the delivery data to a host server located remote from the mobile terminal unit(s) ([0071]. Specifically, Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations there between or otherwise, to store the package tracking data, and **to forward the**

package tracking data to a mainframe data repository 200 via one of several communication devices and methods).

Regarding claim 28, Timothy et al. a mass delivery communication system for collecting and processing delivery completion for an item that is to be mass delivered in predetermined areas, each comprising a plurality of particular regions each containing a plurality of delivery sites; said system comprising:

a mobile terminal unit operationally disposed in each of the predetermined areas ([0104]. Timothy et al. disclose the corresponding **destination address from the delivery information that was previously downloaded to the portable data acquisition device 1** from the central host system 200 via the WLAN and/or WWAN data radios 340, 330); and

a processing center 200 located remote from the mobile terminal units (fig. 22, [0071]. Timothy et al. disclose the device 1 is generally configured to collect package tracking data, typically at a distribution center, at the package delivery location, and in various locations there between or otherwise, to store the package tracking data, and to **forward the package tracking data to a mainframe data repository 200 via one of several communication devices and methods**);

wherein each of the mobile terminal units is programmed to receive input regarding delivery completion in the corresponding particular region and to transmit delivery data corresponding to the input to the processing center ([0107]. Specifically, Timothy et al. disclose when the package is transported to **the destination address, a person accepting the package may be required to sign a signature capture window with the stylus 45, provide a**

fingerprint which may be read, for example, through a digitizer function implemented in the display 30, or have a picture taken by, for instance, a digital camera implemented in the device 1. At the same time, photographs and/or corresponding signatures of authorized personnel may be shown on the display for the delivery person's comparison. Thus, not only can the signature, fingerprint, and/or picture be verified against the database records, but the signature may also be verified as corresponding to the person in the picture and/or the provided fingerprint. In some instances, the device 1 and/or the host system may include automated identification systems for matching and verifying the data provided by the person receiving the package to the authorization information contained in the database); and

wherein the processing center is programmed to read, interpret, and display delivery data to appropriate parties ([0107]. Timothy et al. disclose the data collected from the person accepting the package may also be transmitted to the host system and **provided upon request**. Also Timothy et al. disclose real-time package tracking information is expeditiously made available for dissemination on request. Further, a manifest of the package or packages delivered by the delivery person may, in some instances, be downloaded directly to the consignee's personal computer and/or network via the WPAN data radio 350, or the Infrared Data Association (IRDA) communication port, or provided in a periodic report to the consignee, in section [0104]).

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 19.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timothy et al. (Pub. No: 2003/0114206) in view of Petite et al. (Pub. No: 2005/0043059)

Regarding claim 30, Timothy et al. disclose all the limitation in claim 28. But, Timothy et al. do not disclose a mass delivery communication system wherein the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet.

In the same field of endeavor, Petite et al. disclose a mass delivery communication system wherein the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet ([0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable data acquisition device of Timothy et al. by specifically including the host server is operably connected to the Internet and the delivery information is transferred to a website on the Internet, as taught by Petite et al., the motivation being in order to provide the transmit signal to the wireless communication network and receive messages from the wireless communication network.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gastouniotis et al. (U.S. 5438329) remote instrument reading and telemetry system

Perry et al. (Pub. No : 2001001108) limiting access signal delivered

Jones (U.S. 6904359) notification based upon occurance of event

Astrom et al. (U.S. 6134441) telemetry application numbering for SMS and USSD

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2685
Date: 07-07-2005

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